

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GARY HILL and WANDA HILL, *
*
Plaintiffs, *
*
vs. * CIVIL ACTION
*
THOMAS E. WINTER, JOEL * FILE NO. 1:05-CV-2026-GET
CONSTRUCTION COMPANY,
and BUILDING TRENDS, INC., *
*
Defendants. *

AFFIDAVIT OF JIM JOEL

Personally appeared before the undersigned officer, duly authorized to administer oaths, JIM JOEL, who, after being sworn on oath, deposes and states as follows:

1.

My name is JIM JOEL; I am above the age of majority and am fully competent to testify to the matters set forth herein.

2.

I understand that this Affidavit will be used by the Defendant Joel Construction Company in the above-referenced action for purposes of its Motion for Summary Judgment and all other lawful purposes under Georgia law.

3.

All matters attested hereto are of my own personal knowledge unless otherwise specifically stated.

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FAX (770) 429-8531



4.

I am the Chief Executive Officer ("CEO") and registered agent for Joel Construction Company located at 1191 Cory Circle, Greensboro, GA 30642.

5.

In June of 2000, Joel Construction Company was an approved builder for the Sugarloaf Country Club ("Sugarloaf") subdivision located in Gwinnett County, Georgia.

6.

In June of 2000, Thomas Winter ("Winter") of Building Trends, Inc. ("BTI") approached me, in my capacity as CEO of Joel Construction Company, regarding obtaining authorization to construct a home on Property owned by Eugene Venesky ("Venesky") located at 3300 Moyer Trail, Duluth, GA, 30097 within the Sugarloaf subdivision.

7.

At that time, Winter represented to me that BTI was not an approved builder within the Sugarloaf subdivision, and therefore, sought an arrangement whereby Joel Construction Company would subcontract the construction to BTI such that BTI could construct the home pursuant to its contract with Venesky.

8.

At that time, the owner of the property, Venesky, represented to both me and the developer of the Sugarloaf subdivision that the home was being constructed for his own personal use, and not as a "spec" home for resale.

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9.

At that time, the arrangement required Joel Construction Company to do nothing more than lend its approved status to the agreement between Venesky and BTI.

10.

After obtaining the required permit on or about June 27, 2000, Joel Construction Company took no further action with regard to the Property and had no more substantive contact with Winter, BTI, or the Property.

11.

Joel Construction Company was not involved in any permit renewal.

12.

At no point was Joel Construction Company, or any officer, agent, or employee of Joel Construction Company, a party to any negotiations, agreements, or contracts with regard to the sale of the Property from Venesky to BTI.

13.

At no point was Joel Construction Company, or any officer, agent, or employee of Joel Construction Company, a party to any negotiations, agreements, or contracts with Plaintiffs regarding the Property or the construction of the house.

14.

Joel Construction Company took no part in engineering Plaintiffs' lot, in constructing Plaintiffs' home, or any other act which would indicate involvement or control over the project.

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15.

At no point did Joel Construction Company, or any officer, agent, or employee of Joel Construction Company, authorize any person or entity, including BTI or Winter, to make any representations on behalf of Joel Construction Company to any third parties.

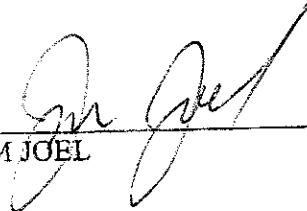
16.

At no point did Joel Construction Company, or any officer, agent, or employee of Joel Construction Company, have any knowledge any person or entity, including BTI or Winter, making any representations on behalf of Joel Construction Company to any third parties.

17.

At no point did Joel Construction Company, or any officer, agent, or employee of Joel Construction Company, misrepresent any facts to or concealed any facts from the Plaintiffs.

FURTHER AFFIANT SAYETH NOT.


JIM JOEL

Signed, sealed and delivered before me,
this 2nd day of March, 2006.


Jamie Laskin
Notary Public

[Notarial Seal]

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